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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,741	08/15/2001	Edwin Frank Rejda	1734.041US1	1976

7590 12/27/2004

Paul T Dietz
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Intellectual Property Department -NRW097
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Bloomington, MN 55435

EXAMINER

MCDONALD, RODNEY GLENN

ART UNIT	PAPER NUMBER
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1753

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/930,741

Applicant(s)

REJDA ET AL.

Examiner

Rodney G. McDonald

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-10, 12-20 and 30-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8, 9, 12 and 39-42 is/are allowed.
- 6) ☒ Claim(s) 10, 13-20, 30-38 and 43-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 10, 13-19, 20, 30-38 and 43-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10, lines 3 and 4, "the shutter" lacks antecedent basis.

Claim 13, lines 6, 8 and 9, is indefinite because "the elongated element" lacks antecedent basis. It should be "the element".

Claim 18, lines 4-6, is it is unclear whether "the shutter" refers to the first or second shutter.

Claim 20, line 7, is indefinite because the first occurrence of "the plurality of targets" should be "the plurality of shutters".

Claim 30, line 12, is indefinite because "the first and the second shutter" lacks antecedent basis.

Claim 35, lines 4-7, is indefinite because "the first and the second shutter" lacks antecedent basis.

Claim 37, line 3, is indefinite because "the at least one magneto resistive element" lacks antecedent basis.

Claim 37, line 5, is indefinite because the phrase "the magneto resistive" is unclear.

Claim 37, lines 6 and 7, is indefinite because "the at least magneto resistive element" is unclear and lacks antecedent basis.

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Claim 43, lines 2-5, is indefinite because the three occurrences of "the first shutter and the second shutter" lacks antecedent basis.

Claim 45, line 2, the phrase "the at least one magneto resistive element" lacks antecedent basis.

Claim 45, lines 3 and 4, the phrase "the magneto resistive element" lacks antecedent basis.

Claim 45, lines 5 and 6, the phrase "the at least magneto resistive element" lacks antecedent basis.

Double Patenting

Claim 46 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 38. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Allowable Subject Matter

Claims 8, 9, 12 and 39-42 are allowed.

Claims 10, 13-20, 30-38, 43-46 are would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 8-10 and 12-19 are indicated as being allowable over the prior art of record because the prior art of record does not teach the claimed subject matter including a mask including a first shutter, a second shutter, and an actuator for moving the first and second shutter and a controller, wherein the controller is structured to monitor at least one property level of the element, further wherein the controller is structured to independently actuate each of the first and second shutter based on property level.

Claim 20 is indicated as being allowable over the prior art of record because the prior art of record does not teach the claimed subject matter including a mask having a plurality of shutters positioned adjacent the plurality of targets; and a controller means for monitoring a property level of the plurality of targets, and independently actuating each of the plurality of targets based on each of the plurality of targets property level.

Claims 30-38 and 46 are indicated as being allowable over the prior art of record because the prior art of record does not teach a mask including at least one shutter and an actuator for moving the at least one shutter, wherein the mask is used to selectively cover a first portion of the elongated element as the wafer process continues to act on a second portion of the elongated element, the wafer process substantially halting with respect to the first portion of the elongated element; and a controller, wherein the controller is structured to monitor a property level of the elongated element, further wherein the controller is structured to independently actuate each of the first and second shutter based on property level.

Claims 39-45 are indicated as being allowable over the prior art of record because the prior art of record does not teach the claimed subject matter including a controller for the actuator, the controller actuating the at least one shutter between an open position where the at least one shutter is covering a portion of the elongated element, and a covering position where the at least one shutter is covering the portion of the elongated element, in response to a monitored property level associated with the portion of the elongated element being at a predefined value.

Response to Arguments

Applicant's arguments, see Paper, filed October 14, 2004, with respect to the claims have been fully considered and are persuasive. The 35 U.S.C. 102 (b) and 35 U.S.C. 103 rejection of claims 8, 12 and 20 and claims 8-10, 12 and 30-32, respectively have been withdrawn.

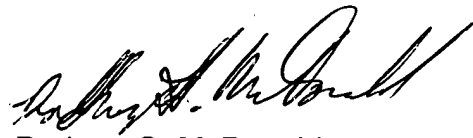
The remaining issues are the 35 U.S.C. 112 rejections and the Double Patenting objection given above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney G. McDonald whose telephone number is 571-272-1340. The examiner can normally be reached on M- Th with Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X. Nguyen can be reached on 571-272-1342. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rodney G. McDonald
Primary Examiner
Art Unit 1753

RM
December 22, 2004